

Quid Novi



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JLS

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UNIVERSITÉ MCGILL FACULTÉ DE DROIT
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March 14, 1994

le 14 mars, 1994

BOBBITT'S NEW PLANS

Nan Wang

Nat IV

Bobbitt is free. Yes, Lorena Bobbitt, the heroine who cut it but was acquitted by reason of temporary insanity. Released from a mental hospital after the acquittal, she is in high spirits, ready to start her life anew. Her immediate plans for her life, according to news report, are (1) to help abused women, (2) to work again as a manicurist, (3) to appear on talk shows and (4) to remarry (The *Gazette* (1 March 1994) A6).

Impressed with the optimism and courage with which Bobbitt plans her new life, I would like to improve her plans and recommend some alternatives as follows.

(1) Her plan to help abused women. She did not elaborate how she is going to help them, but let us pray that she is not going to hand out fillet knives instead of food and clothing. My concern is whether, despite her résumé, abused

women would open their hearts to her. Her public comments so far indicate that, though she may be a great practitioner, she needs some theory to back her up.

Before working at a women's shelter, she should consider enrolling in a law school and specialize in some kind of legal studies. She could write a 6-credit paper developing the line of argument by her attorney that the phallus is the ultimate cause of suffering of women and that a fillet knife terminates such sufferings. If admitted to a law school, she would be a great asset to the law journal: she could cut down the operating cost of the law journal by slicing off verbosity so common in legal writings.

(2) Her plan to return to the job of a manicurist. I fear that this may not be a sound career decision. Initially, she may have many clients who want to see her and talk with her. As the curiosity dies down, however, her clients may have to think twice before extending

their fingers for her to work on. The fear is well-founded: what if she suffers another bout of temporary insanity and mistakes the finger for the penis of John Wayne Bobbitt? She should insure fully and sufficiently against such risks of malpractice. Fortunately, such insurance premiums would not be very high: medical science can provide perfect reattachment surgery for human fingers.

(3) Her plan to appear on talk shows. To the extent that talk shows generate instant legitimate income, this is a wise career plan, especially since she prefers something that produces instant effect, such as slicing. When she has made enough money, she should consider doing some *pro bono* work, such as lecturing at law schools -- if she has started legal studies during the meantime. If she is as quick and

effective as she was, I might see her holding a lecture in the Moot Court before my graduation. I would be pleased

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AN UNCULTIVATED OPINION OF THE INSTITUTIONAL PROTECTION OF HUMAN RIGHTS

Vincent de Grandpré

BCL II

I do not live very far from the Faculty, you see. Hence I walk to school through Mount Royal Park every day. The walk is, for me, therapeutic. Indeed, it is in this peaceful setting, amidst pure white snow, bushy-tailed rats and dog poo that I do most of my daily thinking.

I was walking home last week, crossing lovers along the way and watching the busy animation of the street below when an ever-recurring question came back to haunt me, again. Surrounded by the busy animation of the peaceful city, I often ask myself what would happen if this world were to come crumbling down all of a sudden. What

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First, a little background on Judge Stuart, the person. The following are a few snippets outlining some of his past accomplishments: as a law professor he launched one of the first environmental law courses in Canada; he worked for three years in Papua New Guinea as an advisor helping to build institutional structures for independence; he is a founder of the Canadian Environmental Law Association; he is a founder of Toronto's Tarragon Theatre; he was the chief land claims negotiator in the Yukon; as a judge on the Yukon Territorial Court he set ground-breaking North American standards for sentencing and corporate responsibility with respect to environmental offenses¹. Judge Stuart, or "Judge Barry" as he has been known to be called on the streets of Whitehorse, currently serves on the executive of the *National Round Table on the Environment and the Economy* and Co-chairs its Task Force on Consensus Decision-Making.

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in sentencing criminal offenders². The process, which has come to be known as "circle sentencing", is a response to the limitations of the traditional criminal justice system in dealing with aboriginal and community concerns. In Judge Stuart's words, "I happen to love our justice system. The problem is that we have given it far too much to do and we have given far too much say to professionals." It was about circle sentencing that Judge Stuart came to McGill to speak.

Circle sentencing is not meant to be a strictly aboriginal notion even though it is based on the Native healing circle in which a community meets to discuss and work through members' problems and anxieties. The focus is on rehabilitation and re-entering the convicted into society. Instead of listening to counsel for both sides and then rendering a decision from a raised courtroom bench, the judge sits in a circle of chairs with all who have an interest in the problem - the accused, the victim, the families, friends, and any other interested community members. The number of people in the circle ranges between twenty and one hundred and the duration varies between one and four hours. Street clothes are worn and first names are used.

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discussion focuses on the sources of crime and social problems within the community in general. For the first hour the accused is not even mentioned. The community begins to realize it is its problem also, not just that of the victim and accused. As well, the victim is shown that he/she is not alone and the accused realizes he/she is not the only one committing such crimes. When the victim speaks it is usually very emotional. The finger pointing stops and someone in the community flushes out the accused with a firm but caring reprimand. The honest and direct community setting often provokes the accused to confess the whole history, including previous offenses.

In the circle, the accused is forced to face the human dimension of the crime. In Judge Stuart's words, "the offender must look across the circle and take it directly; the offender gets a reality check."

The second circle then discusses what the penalty should be. Everyone is free to express their opinion and make suggestions. The accused may well go to jail out of the circle. However, he/she may also become the object of a sort of community-built social contract which may include alcohol and/or psychological treatment and regular meetings with the community support group. Fundamental to the process is the formation of a

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Debbie Johnston
LLB III

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Jody Berkes BCL II

I'm baaack. You haven't heard from me for a while and I want to apologize for that. Yes, I succumbed to the pressure and buried myself in the library to complete my legal memo. Mea culpa, mea maxima culpa (apologies to all, as my Latin is not up to snuff). Sometimes I get caught up in the false impression that I'm at this fine academic institution to go to school, rather than entertain those dark huddled masses that read the Quid. I don't know what they're trying to do to us? Once a semester it seems the legal research and writing program shuts down my life and turns me into an incoherent, sleep-deprived, drooling lunatic. I've been told that not preparing for 17 units of class for 10 days is just not good trade, and that I would be much better off putting the memo in it's proper perspective, which is one credit. Listen, I'll make you a deal -- I'll put the memo in its proper place as soon as the people marking it do the same.

Last year I thought the legal research and writing course was time-consuming, but I really felt that I got some benefit out of it. I had never written a legal memo or a case comment up until that point, and the experience, while excruciating, was educational. The exercise taught me the basic format of each, without, in my opinion, being overly nit picky about details (read: parallel cites). No, you're not experiencing déjà vu! I'm just beating my head against a brick wall. One of two things can happen when you beat your head against a brick wall. Either the wall gives or your head gives. The good part is that no matter which one happens the pain stops.

Second year legal research and writing consisted of preparation of an appellate court factum, and another legal memo. In total, the two took approximately one month of my life. The life expectancy of the average male is something around 70 years, so a month isn't that much time. However, a month is approximately 16% of the school year. During the current academic year (approximately 24 weeks) I will: eat approximately 504 meals; do 48 loads of laundry, visit my grandmother's house 24 times, take 10 classes and do a million parallel cites. I know how to parallel cite. You go to the nice red volumes on the fifth floor, look up your case, and copy down the parallel cite. No mess, no fuss. Most of you are probably wondering why I'm complaining

JODYTALK

about it if it's so easy. Just because it's mind-numbingly simple does not mean that it isn't a gigantic pain in the ass! The truth of the matter is that it takes a disproportionate amount of time to parallel cite. Between looking up the case, copying down the parallel cite, and footnoting it in the proper McGill cite guide format, it can take more time than writing the memo. If you don't believe me, just ask anyone who checks cites for the law journal. What's a couple of hours when academic perfection is at stake? A couple of hours is three loads of clean laundry which I needed desperately during the memo; it's a meal which contains steamed vegetables, complex carbohydrates, and dairy products

instead of cold Spaghetti O's out of the can; it's a visit with my grandmother who would never dream of feeding her grandson cold Spaghetti O's out of a can. The most galling thing to me is that it's busy work! I can understand that proper citation is important, but not 50% of your grade important. As long as you're consistent, and the reader can go and find what you've cited relatively easily, that should be enough for an academic exercise that will never make it beyond your professor's desk. I don't mind working hard when it produces something, and parallel cites don't do it.

The nature of the legal research and writing program is to train us on how to do legal research in a law setting. In that respect, it could be one of the most important classes that we take in law school, and deserves far more recognition than the two credits that it's afforded. However, no matter how well you cite something, a poorly reasoned legal argument is still a poorly reasoned legal argument, and no lawyer or court for that matter will tell you otherwise. Only at McGill Law School would you ever hear the following statement, "First you better make sure that all your cites are correct, and then we'll have a look at your argument." Not that anyone is asking or cares, but here is what I think: no more parallel cites unless the writing will be presented outside the confines of a course (e.g. a competitive moot or journal article). Second, form of the paper should count for no more than 35% and, to grade someone down based on form, the error must be egregious. Finally, course credit should be given for

submissions to the Quid.

(A short digression...) For those of you who have been following the SSMU blood drive question, I represented LBGM in their efforts to have s. 12(a) of the Canadian red Cross Blood Drive Questionnaire declared discriminatory on the basis of sexual orientation. I ended up writing a 15-page factum for the argument, not because anyone forced me to, but because I felt that to be adequately prepared I needed to. Unfortunately I lost the motion. It won't be my last defeat, and I feel really shitty for losing, but there is one bright spot. I didn't have to make one parallel cite in the whole argument. Selah!

(And now for something completely different...) For those of you who have not been to the cafeteria lately may I direct your attention to the glass case opposite the main entrance labeled Quid Novi. From time immemorial that case contained a 1978 copy of the Quid. It was warm, reassuring, and friendly. The only constant in the turbulent and ever-changing facade of the law faculty. Earlier this year they removed that copy and just had an empty glass case. During the week following spring break (that's what it should be, but for some reason it comes a month too early in the middle of February) they put a copy of the latest Quid. Well it took them long enough to do it, and the copy they put in is missing something. That's right, and it's no coincidence comrades, that issue has no Jodytalk. Remember, just because you're paranoid doesn't mean there isn't a conspiracy against you.

Jody Berkes is a second year law student who believes the moon walk was faked, that there was a second shooter from the grassy knoll, and that there is a good reason why we only see news anchors from the waist up. He's planning a reader mail session, so forward your letters via the Quid office.

The following tear out and mail-in coupons are provided as a public service so that you Jodytalkers can make your voices heard:

To the editors of the Quid Novi:

I read the Quid for the following reasons:

(check all that apply)

- ☐ For Jodytalk
- ☐ To be informed of world events
- ☐ For Laurence Detière
- ☐ Nothing better to do

Please tell legal research and writing no more parallel cites.

JODYTALK

(Human Rights... Continued from page 1)

would happen to us and to our ideals if the Martians were to invade us. What would happen to our freedom, to our rights if the Empire of Evil (yes, that mythical entity!) were to take over the Kingdom of the bushy-tailed rats. Or if under the tremendous economic pressures of restructuring the economy, unemployment and hyperinflation were to collapse our present social order. Under any Doomsday scenario, would you and I have the courage to rebuild a fair, free and generous society? Would you and I have the strength of a Frank Scott or of a Harold Koh? Of a Churchill or a Jefferson?

I inevitably reach the conclusion that I would fail miserably. Despite the higher expectations - rather than dreams - that I would have in these circumstances, I would not be prepared for this challenge. As a young law student, privileged, successful and pompously intellectual, I could barely effect change in this wanting world.

As all of us, I am a product of social institutions. As most of us, I constantly and significantly rely on those institutions to protect my rights. I rely on the government and its police, on experts of all sorts who are hired to address pressing social concerns and protect me from their disruption. Hey, I even have a Charter of Rights! I am among the few who have the intelligence of these institutions; I can use them to my benefit. I am an educated and employed white male. Yet, despite this comfort, there are at least three reasons why I

bothered writing down these thoughts.

First, it unambiguously clashes with my ideals to be doing so well when I SEE so many doing not so well. Not everybody is white, male, educated and employed. There is an unbearable gap between the reality of the world I see, and the rhetoric I hear and use, especially in university.

Second, despite the fact that a Doomsday scenario is unlikely to happen, I strongly believe that our social institutions are not keeping pace with reality, people's expectations or people's understanding of these institutions. In simple terms, they are decaying. Slowly, but surely, they are. Our police force seems unable to fulfill its duties in impoverished and multicultural neighbourhoods. There is a serious lack of popular confidence in politicians, and their ability to cope with social problems. The economy is going through tremendous disruptions as a consequence of world integration and debt financing; the price of this restructuration is the ENORMOUS human pain associated with uncertainty, unemployment and social disenfranchisement. In this context, should I not be suspicious of the idea of studying and "playing the game" of institutions which I believe will fail or change radically in my life time?

Third and more specifically, I cannot stop wondering whether law is not victim to the same decay as the rest of our social institutions. I especially worry about what I understand to be a

widely accepted "rights-based" approach to law. How can it be that in a society where people have so many rights, they are so disempowered and alienated? I am not sure that I am ready to rely on any Charter of Rights or any Supreme Court to defend my rights. What use is it to proclaim rights which cannot feasibly be enforced? How long will the myth last? I see in my class that the most reform-minded individuals (whom I admire tremendously) believe that the judicial protection of rights will succeed in promoting equality and fairness in our world. Yet, it seems to me that rights will only last as long as you and I are ready to defend them, and not as long as a bureaucracy has a mandate to protect them.

I believe that institutions crystallize human dreams and achievement. Our Charter of Rights is the institutional descendant of post-World War Two dedication and optimism. As far as I understand, what was a declaration of principle in 1948 is today an undemocratic and socially irrelevant way of making crucially important decisions. And what a conspiracy! An undue proportion of Members of Parliament are lawyers. They adopt laws drafted by lawyers for the administration of justice by judges and their bureaucracy, bureaucracy which can in effect only be accessed with the assistance of lawyers.

The way ahead in matters of human rights does not lie in any Oakes test or any interveners' funding programme. It lies in my socio-political involvement and yours.

(Bobbitt... Continued from page 1)

to attend such lecture provided that metal detectors be installed at the entrances to the Moot Court.

(4) Her plan to remarry. It is heartening that, after all that

happened, she still has some tender feeling for the opposite sex. On a more practical level, however, I am really concerned whether she will find a Mr. Right who happens to be a Mr. Courageous. Remember, John Bobbitt

is an ex-U.S. Marine and he got undercut. This will no doubt deter many potential suitors except perhaps Rambo and the Terminator II.

(Circle Process... Continued from page 3)

participant in the circle with a somewhat enhanced role as moderator or mediator. The judge must be able to encourage the participation of the accused and others yet permit the necessary silences. While it is arguably a more human approach, it is also less controlled.

I suspect that a large part of the circle's success in the Yukon is due to Judge Barry Stuart. Judge Stuart is highly respected by and close to the Elders in the communities. He is very charismatic and demonstrates his concern for the communities and the individual accused.

The Prosecutor

I sensed that some prosecutors in the Yukon were skeptical of or simply disliked the circles' approach for two predominant reasons. First, the circle greatly diminished the role of and need for prosecutors. Second, the circle sentences appear to be lenient.

The prosecutor has a difficult role to play. On the one hand, he or she is trapped in a pre-ordained mold created for an adversarial system. While the prosecutor represents the interests of society, the victim and the accused, the traditional response upon conviction of an accused is to seek some form of punishment, often involving the sanction of imprisonment. On the other hand, the circle process requires the prosecutor to participate in a process which breaks the adversarial mold and in which there is a reduced need for a prosecutor.

Having worked in a Crown's office as a summer student where Crown Attorneys were considered to be the "friend" of the people, it was quite a shock to witness the animosity towards prosecutors felt in the Yukon communities where, conversely, the defence lawyers are the "friend" of the community. Prosecutors have to adapt and change their practices more than any other participant in the circles. Their role is greatly circumscribed and in a state of flux.

For many prosecutors, the circle may appear to be lax, particularly in cases of domestic abuse. The offender is not punished, at least not in the traditional sense, for his or her wrongful acts. The focus is instead on restitution, rehabilitation, and forgiveness.

I think it is important for prosecutors to remember that, for most of these offenders, the conventional sanctions (fines and jail) have failed. The offenders are typically repeat offenders with serious social problems. Often the community is not being protected by the conventional justice system as these offenders are soon back in their communities unrehabilitated and often angry. Although caution is necessary, I do not believe that prosecutors should categorically reject the circle process. The prosecutors will have a role to ensure that the circle process meets the ends of justice and adequately protects society.

Protection of society may have to be redefined in the context of the circle. It is often defined as the immediate incapacitation or removal of the offender from the affected area. However, a longer-term protection of society may be best achieved through the healing of the offender.

Defence Attorney

The circle approach attempts to break down the adversarial nature of the trial process and the traditional formalism associated with the administration of justice and with the procedural guarantees of one's rights. This can sometimes create situations of conflict. One example of conflict that I observed was a defence attorney challenging the admissibility of a confession obtained from a teenager by a police officer in a small community. The charge was mischief or break and enter. The police knew the boy well as he had been charged previously with criminal offences. He had spoken with the boy's mother. The officer brought the boy in for questioning. He spoke to the boy on an informal basis, perhaps more as a disappointed parent or school teacher would have done. He did not read the boy his right to a legal aid lawyer. He simply told him that he did not have to speak. The defence counsel challenged the boy's confession obtained by the officer on the basis that he had not been read his right to a legal aid lawyer. The judge accepted the challenge and refused the admission of the confession. A problem arises in situations like this. Reading a person's rights from a card injects procedural formalism into the process. Although procedural safeguards are necessary, they can conflict with initiatives trying to humanize the system and render it less formalistic. In our adversarial system, defence counsel's objective is to get an acquittal by any means within the law. I questioned whether it was appropriate for defence counsel to challenge the process for lack of a formality (reading one's right to a legal aid lawyer) and then request an informal circle for sentencing.

The Community

A problem that I observed in one of the Yukon communities was the "stacking" of the circle. Some of the smaller communities are dominated by two clans which often will be the clan of the accused and the clan of the victim. This tension can have two results. First, the circle may be dominated by two adversarial camps, one strongly supporting the accused, the other condemning the accused. Secondly, the accused person's clan may dominate the circle and result in an unbalanced and perhaps unrealistic portrayal of the accused person's chances of successful rehabilitation.

The success of the circle depends largely on the community's support for the

offender. Community support groups must devote enormous amounts of time and energy to the offenders, generally on a purely volunteer basis. Their time and energy is valuable. Their commitment is crucial. Thus, caution should be taken not to waste community support on offenders who show no real prospects for reform nor a desire to change. Moreover, there is no point in attempting to implement the circle in a community that lacks the willingness or the human resources to make it (and the community) work.

The Accused

The circle process has a dual purpose. First, it must encourage the accused to take responsibility for his or her actions. Second, it must maintain a positive atmosphere in order to encourage the healing of the accused. Where reprimand or expressions of disappointment have had the greatest effect on accused persons, they have usually come from the community, rather than from the prosecutor or judge. Mutual respect between the accused and the judge has also been instrumental in changing behaviour.

It is important to encourage the accused person to speak without forcing him or her to do so. The judge may occasionally ask the accused how he or she feels about a particular comment made by another circle participant. Other circle members or family members of the accused may ask him or her questions.

The Victim

I was disappointed with the meagre participation of the victims in the circles. I questioned whether the victims felt intimidated to speak negatively of the accused whether for cultural reasons or simply because the circle promotes a positive environment for the accused. It is crucial in this process not to lose sight of the victim, particularly in family violence contexts.

Conclusion

It is essential to foster mutual respect with the community, and with the offender. Many Aboriginal people are disillusioned with our justice system which has systematically removed its people temporarily to southern jails with a low success rate of rehabilitation. Their initial perspective tends to be skeptical, if not negative. At the same time, others are skeptical of the circle process. Hence patience (and perhaps trial and error modifications) is required in implementing this approach to crime and community. Failures should be expected. The circle will not miraculously cure recidivist offenders. However, it is a beginning to a new understanding of Canada's Aboriginal peoples, communities and criminal justice.

(Editorial: Circle... Continued from page 3)

support group for the victim as well.

The key is the consensus used to build a sentence which is fair to all. Since everyone participates in the decision, everyone has a stake in the decision and making sure it is carried out.

Judge Stuart is quick to point out that circle sentencing is "not a panacea". It is not appropriate for all offenses and it should not be seen as an immediate cure for alcoholics and recidivist offenders.

A question during the lecture concerned the possibility of translating circle sentencing to big cities. Up to now it has been done mainly in small, rural communities (in the Yukon, B.C. and Saskatchewan) although plans are in place for circles in Whitehorse, Calgary and Vancouver. Judge Stuart's attitude is that it could work even better in big cities. He feels that if it can work in small communities (which often have a history of serious societal conflict problems) where unemployment is high, literacy is low and resources are limited, then why not in big centres where there is a greater range of options for dealing with the problems.

Personally, I question this because

of the fact that circle sentencing is such a community-based solution. In urban centres we are increasingly seeing the fragmentation of society and the nuclear family. Communities do exist but they are harder to define. Situations where everybody knows everybody and neighbours have an interest in neighbour's problems are less common. Furthermore, when one looks beyond ethnic and family ties one finds numerous individuals who exist without such support systems. It is often just these individuals who are committing the crimes.

That said, there is no reason not to try. If we allow scepticism to rule, we'll never see any positive changes. Judge Stuart alluded to this idea quite aptly when he said, "most institutions have been dead for one hundred years before they realize it."

The ultimate beauty of circle sentencing is that it goes directly to the root of the problem and empowers people along the way. We are all products of our upbringing and surroundings - our communities. When people begin to feel that they can make a difference within the system then the

whole community benefits.

Perhaps the impact of this two hour taste of circle sentencing is best summed up by one student's comment at the end of Judge Stuart's lecture: "In my four years of law school this was the single most remarkable class I have attended and I certainly hope you intend to write a book about this and share it with the rest of the country."

Note: If you are interested in learning more about circle sentencing then Debbie Johnston (LLB III) is the person to talk to. Besides having worked closely with Judge Stuart she has written two thoughtful papers on the subject. Her article in this issue outlines some of her experiences with circle sentencing and her perceptions thereof.

¹ *R. v. Canadian Industries Ltd.*, (1977) 8 C.E.L.R. 121 (Y.T. Mag. Ct.); *R. v. United Keno Hills Mines Limited*, (1980) 10 C.E.L.R. 43 (Y.T.T.C.); *R. v. Echo Bay Mines Ltd.*, [1980] 12 C.E.L.R. 38 (N.W.T. Terr. Ct.); *R. v. Panarctic Oils Ltd.*, [1983] 12 C.E.L.R. 78 (N.W.T. Terr. Ct.).

² *R. v. Moses*, [1992] 71 C.C.C. (3d) 347 (Y.T.T.C.).

LEGAL METHODOLOGY PROGRAMME - PROGRAMME DE MÉTHODOLOGIE JURIDIQUE

THE DIRECTORS OF THE PROGRAMME ARE NOW LOOKING FOR NEXT YEAR'S TUTORIAL LEADERS!

Approximately sixteen students are needed to teach legal methodology to small groups of first year students. The programme unfolds over a full year and entails setting and correcting of a number of methodology assignments and regular meetings in the group. Three credits will be awarded. Any student having completed at least 2 years of law school with good academic results may apply. Please obtain application forms from U.S.O. and return them completed with a curriculum vitae. Short interviews might also be conducted. **THE DEADLINE IS MARCH 21.**

One student is also needed to conduct the writing workshops and help individual students with special needs. Application procedure is same as above.

Four students are also needed for the second-year component of the methodology programme. These students will be responsible for setting the second-year moot and memo problems as well as for correcting assignments in conjunction with professors. Three credits are awarded. Any student having completed at least 2 years of law school with good academic results may apply. Please obtain application forms from U.S.O. and return them completed with a curriculum vitae. Short interviews might also be conducted. **THE DEADLINE IS MARCH 21.**

Lastly, the director is looking for a **graduating** student to fill the position of assistant-director as of September 1994. This is a part-time position. **DEADLINE FOR ALL DOCUMENTATION IS MARCH 21.**

THE FIFTH RENÉ CASSIN LECTURESHIP IN HUMAN RIGHTS

Irwin Cotler
Professor of Law
Chair, InterAmicus

I am writing to invite you to attend the Fifth René Cassin Lectureship in Human Rights which will take place on **Thursday, March 17, 1994 at 5:30 p.m.** in the Moot Court Room of the Faculty of Law. The lectureship, which is co-sponsored by the McGill Faculty of Law and InterAmicus, will be given by the Honourable Justice Jules Deschênes, C.C., C.R., LL.D., M.S.R.C. -- judge of the recently established "International Tribunal into War Crimes in the former Yugoslavia" -- on the topic, *"Towards International Criminal Justice"*.

As you may recall, the René Cassin Lectureship was inaugurated six years ago before an inspired audience by the Honourable Madame Justice Claire L'Heureux-Dubé of the Supreme Court of Canada; the Second, Third and Fourth René Cassin Lectureships were given, respectively, by the Honourable Walter Tarnopolsky (who regrettably died last year) of the Ontario Court of Appeal, His Excellency L. Yves Fortier, then Canadian Ambassador to the United Nations, and the Honourable Barbara McDougall, Secretary of State for External Affairs at that time.

Accordingly, with these precedents in mind, we are delighted that the Honourable Jules Deschênes, one of the most distinguished jurists of our day, has agreed to be this year's René Cassin Lecturer and Guest of Honour. As you may recall, Justice Deschênes,

who chaired the Commission of Inquiry into Nazi War Crimes in Canada -- better known as the Deschênes Commission -- was appointed in 1993 as a member -- and only Canadian -- of the first post-Nuremberg "International Tribunal of Inquiry into War Crimes in the former Yugoslavia".

Prior to this most recent appointment, Justice Deschênes held a series of judicial, diplomatic, and academic appointments -- of both a domestic and international character -- whose distinction and number are such that it is hard to conceive that one person can lay claim to so many achievements. He served, *inter alia*, as a member of the Québec Court of Appeal (1972-73); Chief Justice of the Superior Court of Québec (1973-1983); President of the First World Conference on the Independence of Justice (1983); and President of the World Association of Judges (Section of the Americas) (1987-90); member of the U.N. Sub-Commission on Human Rights (1984-87); and member of the Canadian delegation to the 47th Session of the U.N. General Assembly (1992).

As well, Justice Deschênes has served as President of the Canadian Human Rights Foundation (1989); member of the Extraordinary Disputes Tribunal set up under the Canada-U.S. Free Trade Agreement (1989-94); President of the International Labour Organization's (I.L.O.) Commission of Inquiry into Romania (1989-91); and the President of the Royal Society of Canada (1990-92) -- and this is only a partial listing.

Somehow, along the way, Justice Deschênes authored some ten

books and numerous publications in both learned and general journals. Among his works are *"The Sword and the Scales"* (Butterworths, 1979); *"Justice et pouvoir -- A Passion for Justice"* (Wilson & Lafleur, 1984); and *"Sur la ligne de feu -- Autobiographie d'un juge en chef"* (les Éditions internationales Alain Stanké, 1988).

It is not surprising, therefore, that Justice Deschênes has been the recipient of some of the most distinguished academic, professional, and civilian honours, including: The Medal of both the Quebec and Montreal Bar Associations; honorary doctorates from McGill and Concordia Universities; and the first recipient of the Interprofessional Council of Québec Award. He is one of the few Canadians to have been made a Companion of the Order of Canada.

The René Cassin Lectureship is one of a series of Human Rights Lectureships organized by the McGill Faculty of Law in association with InterAmicus. In 1988, the Canadian Friends of the Alliance Israélite Universelle established this Lectureship in memory of, and to mark the centenary of, the birth of René Cassin, who received the Nobel Peace Prize in 1968. The Alliance Israélite Universelle is one of the oldest and most distinguished of human rights organizations, having been founded in Paris in 1860, and over which René Cassin presided as President from 1943 to 1969.

We look forward to you joining us on Thursday, March 17th at 5:30 P.M. for the Lecture.